

G. GOVERNMENT OF THE UNITED STATES

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Willer) Art Unit: 3661
Application No.: 10/648,587) Examiner: Broadhead
Filed: August 26, 2003) 50T5549.01
For: COMMON ELECTRONICS ARCHITECTURE FOR VEHICLE MIRROR DISPLAY) January 18, 2006 750 B STREET, Suite 3120 San Diego, CA 92101

APPEAL BRIEF

Commissioner of Patents and Trademarks

Dear Sir:

This brief is submitted under 35 U.S.C. §134 and is in accordance with 37 C.F.R. Parts 1, 5, 10, 11, and 41, effective September 13, 2004 and published at 69 Fed. Reg. 155 (August 2004). This brief is further to Appellant's Notice of Appeal filed herewith.

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(1) Real Party in Interest

The real parties in interest are Sony Corp. and Sony Electronics Inc.

(2) Related Appeals/Interferences

No other appeals or interferences exist which relate to the present application or appeal.

(3) Status of Claims

Claims 8-16, 18-22, and 26-28 are pending and finally rejected, which rejections are the subject of this appeal, and Claims 1-7, 17, and 23-25 have been canceled.

(4) Status of Amendments

No amendments are outstanding.

(5) Summary of Claimed Subject Matter

As an initial matter, it is noted that according to the Patent Office, the concise explanations under this section are for Board convenience, and do not supersede what the claims actually state, 69 Fed. Reg. 155 (August 2004), at 49976. Accordingly, nothing in this Section should be construed as an estoppel that limits the actual claim language.

Claim 8 sets forth a module that has a module housing (e.g., reference numerals 14 or 18, page 4, lines 12 and 13 and figure 1), a GPS receiver (e.g., the components 20, 32, 36, 38, 40, and 48 shown in figure 2 and described on page 5, line 16 through page 6, line 5) in the module housing and receiving

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position information, and a wireless transceiver (e.g., the components 30, 34, 42, 44, 46, and 50 shown in figure 2 and described on page 5, line 16 through page 6, line 11) in the module housing and communicating with the GPS receiver for transmitting information received from the GPS receiver. One and only one reference oscillator (52, figure 2; page 7, line 14) is in the housing for providing mixing signals to the GPS receiver and the wireless transceiver, and the GPS receiver and wireless transceiver do not share any components other than the reference oscillator (as shown in figure 2).

Claim 16 recites a module with a module housing, supra, a GPS receiver in the module housing and receiving position information, supra, and a wireless transceiver in the module housing and communicating with the GPS receiver for transmitting GPS information received from the GPS receiver, supra. A dual SAW filter package (32, 34, figure 2; page 5, lines 21 and 22) is in the module, with signals from both a GPS antenna (20, figures 1 and 2; page 4, line 13) and a second antenna (30, figure 2; page 5, line 17) being filtered through the SAW filter package. One and only one reference oscillator, supra, is in the housing to provide mixing signals to the GPS receiver and the wireless transceiver, with the receiver and transceiver not sharing a mixer.

Claim 26 sets forth a system for data transmission that includes wireless transceiver means (e.g., the Bluetooth transceiver, supra), and means (e.g., the link 47, figure 2; page 6, line 14) for sending GPS data from a GPS receiver, supra to the transceiver means for transmission of the GPS data to a vehicle onboard computer (26, figure 1; page 4, lines 19-22) and/or to a portable computing device (28, figure 1; page 4, lines 19-22) in a vehicle for display of the GPS data. The wireless transceiver means and the GPS receiver share a common oscillator, supra, and only the common oscillator.

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(6) Ground of Rejection to be Reviewed on Appeal

Claims 1-5, 7-16, 18-23, and 25-28 have been rejected under 35 U.S.C. §103 as being unpatentable over McCarthy et al., USPN 6,477,464, in view of Peterzell et al., USPP 2003/0040292.

(7) Argument

Appellant believes that the Board will find dispositive the fact that unlike the present claims, both Figures 3 and 5 of Peterzell et al. plainly show a Bluetooth signal path that is entirely separate from all other signal paths, including the GPS signal path, once the signals are separated at the duplexer from the antenna. No common oscillator appears between the Bluetooth and GPS systems in Peterzell et al.

The rejections thus appear to be predicated on ignoring the actual separate Bluetooth and GPS signal paths in Peterzell et al., and instead using the individual I and Q signal paths in figures 3 and 5 of Peterzell et al. as surrogates. However, the I and Q signals in Peterzell et al. are not different signals at all. They are the in-phase and quadrature components of the self-same signal. Nowhere has the examiner attempted to show that Peterzell et al. teaches that its relied-upon circuit can or should be used not just for related components of the same signal but for entirely different signals, nor has any evidence been adduced of record that the skilled artisan regards components of a single signal to be entirely different signals.

Despite the above errors, Appellant will address the I/Q argument on its merits. Considering the I and Q paths, it cannot be said that they do not share any components other than the reference oscillator (as set forth in, e.g., Claim 8) because, by way of non-limiting example, they both clearly share the (unnumbered) sample clock tap between the ADCs as shown.

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The rejections are further mistaken in the reliance on paragraph 58 of Peterzell et al., contending that paragraph 58 discloses using separate components for each path but neglecting to recognize that paragraph 58 does not teach a circuit different than the one which has been distinguished. Instead, paragraph 58 teaches only that the circuit that has been distinguished may be duplicated for multiple signal types, e.g., that respective duplicate circuits can be used for cellular and GSM. Not only is this conclusion explicitly stated in paragraph 58, but it is also implied because paragraph 58 explicitly mentions duplicate front end components for duplicate signals paths, e.g., duplicate duplexers 312 and LNAs 320, which, since these components feed an oscillator, necessitates duplicate oscillators as well.

Accordingly, it remains true that Peterzell et al. fails to teach a circuit that processes two different signal types using a common oscillator and only a common oscillator. When Peterzell et al. wants to process two different signal types, it uses separate and distinct oscillators in separate and distinct circuits. Even if the separate I and Q components of Peterzell et al. are considered to be the claimed GPS signal and wireless signal (an equivalence that is never made by the reference itself), either both share more than just the oscillator, or the separate "signals" are processed with entirely separate oscillators, as paragraph 58 teaches.

Indeed, if anything paragraph 58 bolsters the case for patentability, because it explicitly teaches separate and distinct duplicate circuits each with its own distinct oscillator when multiple signals paths are present, while Appellant's claims recite a common oscillator and only a common oscillator to be used for multiple signal paths. In essence, all that Peterzell et al.'s paragraph 58 teaches is duplication of the entire circuit that Applicant has previously distinguished from Claims 8, 16, and 26. Stated differently, simply pointing to a teaching that a circuit, which is different than the claimed circuit, may be duplicated does not

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help the rejection and indeed militates toward, not away from, patentability because the underlying distinctions between Peterzell et al. and Claims 8, 16, and 26 remain.

Peterzell et al. fails to make the critical recognition reflected in varying degrees in Claims 8, 16, and 26 that by using only a common oscillator, off-the-shelf GPS and Bluetooth transceivers may be used and housed on a single module without unduly modifying either receiver (typically implemented from the manufacturer on a chip), while conserving parts and space in that only one reference oscillator is used. For this reason, not only would combining the references as proposed not arrive at amended Claims 8, 16, and 26, but only the present specification has provided the motivation to do so.

Moreover, it is axiomatic that a reference must be read in its entirety, MPEP §2142. Paragraph 29 of Peterzell et al. explicitly teaches away from using separate filters as required by Applicant's claims, i.e., Peterzell et al. expressly teaches away from the present claims.

Therefore, since the combination of McCarthy et al. and Peterzell et al. does not disclose or suggest all elements recited in Applicant's pending independent claims, and since Peterzell et al. teaches away from a combination with the features of Applicant's claims, the rejections should be reversed.

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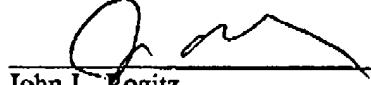
FROM ROGITZ 619 338 8078

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APPENDIX A - APPEALED CLAIMS

8. A module, comprising:
a module housing;
a GPS receiver in the module housing and receiving position information;
a wireless transceiver in the module housing and communicating with the GPS receiver for transmitting information received from the GPS receiver; and
one and only one reference oscillator in the housing providing mixing signals to the GPS receiver and the wireless transceiver, the GPS receiver and wireless transceiver not sharing any components other than the reference oscillator.
9. The module of Claim 8, wherein the wireless transceiver comprises a short-range wireless transceiver.
10. The module of Claim 8, further comprising a GPS antenna coupled to the GPS receiver;
a second antenna coupled to the wireless transceiver; and
a dual SAW filter package in the module, signals from both the GPS antenna and the second antenna being filtered through the SAW filter package.
11. The module of Claim 8, further comprising:
a GPS antenna coupled to the GPS receiver; and
a second antenna coupled to the wireless transceiver;
wherein the antennae are mounted on the module.
12. The module of Claim 8, further comprising a vehicle rear view mirror housing supporting the module.
13. The module of Claim 8, wherein the transceiver receives information from the GPS receiver and transmits the information to a component in a vehicle.
14. The module of Claim 8, wherein the wireless transceiver receives vehicle data from at least one vehicle sensor and transmits the vehicle data.
15. The module of Claim 13, wherein data is transmitted from the transceiver to a portable computing device selected from the group consisting of: a PDA, a wireless telephone, and a laptop computer.
16. A module, comprising:
a module housing;
a GPS receiver in the module housing and receiving position information;
a wireless transceiver in the module housing and communicating with the GPS receiver for transmitting GPS information received from the GPS receiver;

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a dual SAW filter package in the module, signals from both a GPS antenna and a second antenna being filtered through the SAW filter package; and
one and only one reference oscillator in the housing providing mixing signals to the GPS receiver and the wireless transceiver, the receiver and transceiver not sharing a mixer.

18. The module of Claim 16, wherein the antennae are mounted on the module.
19. The module of Claim 16, further comprising a vehicle rear view mirror housing supporting the module.
20. The module of Claim 16, wherein the wireless transceiver receives data from the GPS receiver and transmits the data to a component in a vehicle.
21. The module of Claim 16, wherein the wireless transceiver receives vehicle data from at least one vehicle sensor and transmits the vehicle data.
22. The module of Claim 20, wherein data is transmitted from the transmitter to a portable computing device selected from the group consisting of: a PDA, a wireless telephone, and a laptop computer.
26. A system for data transmission, comprising:
wireless transceiver means; and
means for sending GPS data from a GPS receiver to the transceiver means for transmission of the GPS data to at least one of: a vehicle onboard computer, and a portable computing device in a vehicle, at least for display of the GPS data, wherein the wireless transceiver means and the GPS receiver share a common oscillator and only the common oscillator.
27. The system of Claim 26, wherein the transceiver means comprises a wireless transceiver receiving vehicle diagnostic information and transmitting the diagnostic information to at least one of: the vehicle onboard computer, and the portable computing device.
28. The system of Claim 26, wherein the portable computing device is selected from the group consisting of: a PDA, a wireless telephone, and a laptop computer.

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APPENDIX B - EVIDENCE

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004) at 49978.)

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APPENDIX C - RELATED PROCEEDINGS

None (this sheet made necessary by 69 Fed. Reg. 155 (August 2004) at 49978.)

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